

109TH CONGRESS
1ST SESSION

S. 475

To amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2005

Mr. JOHNSON (for himself and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native American
5 Housing Enhancement Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) there exists—

1 (A) a unique relationship between the Fed-
2 eral Government and the Indian tribal govern-
3 ments; and

4 (B) a unique Federal trust responsibility
5 to Indians;

6 (2) Indians experience some of the worst hous-
7 ing conditions in the country, such that—

8 (A) 32.6 percent of Indian homes are over-
9 crowded;

10 (B) 33 percent of Indian homes lack ade-
11 quate solid waste management systems;

12 (C) 8 percent of Indian homes lack a safe
13 indoor water supply; and

14 (D) approximately 90,000 Indian families
15 are homeless or underhoused;

16 (3) the poverty rate for Indians is twice that of
17 the rest of the population of the United States;

18 (4) the population growth of Indians that began
19 in the latter part of the 20th century increased the
20 need for Federal housing services;

21 (5)(A) under the requirements of the Native
22 American Housing Assistance and Self-Determina-
23 tion Act of 1996 (25 U.S.C. 4101 et seq.), members
24 of Indian tribes are given preference for housing
25 programs;

1 (B) a primary purpose of that Act is to allow
2 Indian tribes to leverage funds with other Federal
3 and private funds;

4 (C) the Department of Agriculture has been a
5 significant funding source for housing for Indian
6 tribes; and

7 (D) the Housing Act of 1949 (42 U.S.C. 1471
8 et seq.) should be amended—

9 (i) to allow assistance provided under that
10 Act and assistance provided by the Secretary of
11 Agriculture under other law to be combined to
12 meet the severe housing needs of Indian tribes;
13 and

14 (ii) to allow for the preference referred to
15 in subparagraph (A) by granting an exemption
16 from title VI of the Civil Rights Act of 1964
17 (42 U.S.C. 2000d et seq.) and title VIII of the
18 Civil Rights Act of 1968 (42 U.S.C. 3601 et
19 seq.) to Indian tribes that—

20 (I) comply with title II of Public Law
21 90–284 (25 U.S.C. 1301 et seq.) (com-
22 monly known as the “Indian Civil Rights
23 Act”); or

24 (II) are acting under the Native
25 American Housing Assistance and Self-De-

1 termination Act of 1996 (25 U.S.C.
2 4131(b)); and

3 (6) section 457 of the Cranston-Gonzales Na-
4 tional Affordable Housing Act (42 U.S.C. 12899f)
5 should be amended to include Indian tribes, tribally
6 designated housing entities, or other agencies that
7 primarily serve Indians as eligible applicants for
8 YouthBuild grants.

9 **SEC. 3. TREATMENT OF PROGRAM INCOME.**

10 Section 104(a)(2) of the Native American Housing
11 Assistance and Self-Determination Act of 1996 (25 U.S.C.
12 4114(a)(2)) is amended by inserting “restrict access to a
13 grant or” after “not”.

14 **SEC. 4. CIVIL RIGHTS COMPLIANCE.**

15 Title V of the Housing Act of 1949 (42 U.S.C. 1471
16 et seq.) is amended by adding at the end the following:

17 **“SEC. 544. INDIAN TRIBES.**

18 “(a) IN GENERAL.—Federally recognized Indian
19 tribes (or the instrumentalities of the tribes) that exercise
20 powers of self-government shall comply with title II of
21 Public Law 90–284 (25 U.S.C. 1301 et seq.) (commonly
22 known as the “Indian Civil Rights Act”) when receiving
23 assistance under this title.

24 “(b) EXEMPTION.—Title VI of the Civil Rights Act
25 of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the

1 Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall
 2 not apply to—

3 “(1) tribes covered by title II of Public Law
 4 90–284 (25 U.S.C. 1301 et seq.) (commonly known
 5 as the “Indian Civil Rights Act”); or

6 “(2) tribes acting under section 201(b) of the
 7 Native American Housing Assistance and Self-De-
 8 termination Act of 1996 (25 U.S.C. 4131(b)).”.

9 **SEC. 5. ELIGIBILITY OF INDIAN TRIBES FOR YOUTHBUILD**
 10 **GRANTS.**

11 Section 457(2) of the Cranston-Gonzales National
 12 Affordable Housing Act (42 U.S.C. 12899f(2)) is amend-
 13 ed—

14 (1) in subparagraph (F), by striking “and” at
 15 the end;

16 (2) by redesignating subparagraph (G) as sub-
 17 paragraph (H); and

18 (3) by inserting after subparagraph (F) the fol-
 19 lowing:

20 “(G) an Indian tribe, tribally designated
 21 housing entity (as defined in section 4 of the
 22 Native American Housing Assistance and Self-
 23 Determination Act of 1996 (25 U.S.C. 4103)),

- 1 or other agency primarily serving Indians;
- 2 and”.

